

Serial No. 10/643,362
Attorney Docket No. 46107-0089
Response to Office Action dated August 8, 2005

REMARKS

The present document is in response to the Office Action mailed August 8, 2005, in which the Examiner required election between Invention I (claims 1-24, drawn to a method of induction heat treating, classified in class 148, subclass 582); Invention II (claims 25-32, drawn to a cast hardened roller bearing, classified in class 384, subclass 625) and Invention III (claims 33-35, drawn to an induction coil, classified in class 336, subclass 115). Applicants respectfully disagree with Examiner's contention that the claims identified as inventions I and II are distinct and require restriction. Specifically, Applicants disagree with the Examiner's statement on page 2 of the Office Action that the product of claims 25-32 may be made by a process other than that described in claims 1-24. The final limitation in claim 25 states that "the hardened case is formed by an induction heat treatment" as described in claims 1-24. Furthermore, claim 26 goes on to describe further steps of the "induction heat treatment" of claim 25; these further steps being present in claim 1. For the reasons above, Applicants respectfully request that Examiner withdraw the present Restriction Requirement, and kindly consider claims 1-32 as originally presented.


If the Examiner disagrees and refuses to withdraw the Restriction Requirement, Applicants hereby provisionally elect claims 1-24, identified by Examiner as Invention I and being drawn to a method of induction heat treating. Applicants have canceled claims 33-35. Applicants reserve the right to submit a divisional application directed to the non-elected and/or canceled claims at a later time. In view of this election and these remarks, it is respectfully submitted that an action on the merits of the elected claims is in order.

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Favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,
DICKINSON WRIGHT PLLC
Attorneys for Applicants

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By: 
Michael A. Schaldenbrand
Reg. No. 47,923

Dickinson Wright PLLC
1901 L Street, NW
Suite 800
Washington, D.C. 20036
(248) 433-7570

MAS/ct

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